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EXAMINER
SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/727,524	CHEN ET AL.
	Examiner	Art Unit	
	Lawrence Shrader	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 April 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the amendment/RCE filed on April 22, 2005.

2.   Claims 1 – 28 remain rejected.

3.   Applicant's arguments with respect to claims 1 – 28 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

4.   The provisional rejection of claims 1 and 11under the judicially created doctrine of double patenting over claims 1 and 11 of copending Application No. 09/727,491 is withdrawn in view of the amendments made in both applications.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 2, 3, 7, 8; 11, 13; 18 – 20, 24, 25, and 28 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gibbon, U.S. Patent 6,473,778 in view of Bjarnestam et al., U.S. Patent

6,735,583 (hereinafter referred to as Bjarnestam).

Gibbon discloses a method to process rich media content:

In regard to claim 1:

*"creating a rich media content file from rich media content as a first input to an
authoring tool;"*

Gibbon discloses rich media file input to an authoring tool (column 3, lines 1 – 28).

*"creating a text based rich media content description file descriptive of the multimedia
content file as a second input to the authoring tool, wherein the description file comprises
user-specified vocabulary that defines rich media content and relationships between rich
media content;"*

Gibbon discloses a description file (HTML) as input (column 13, line 53 to column 14,

line 7), but does not explicitly describe a user specified vocabulary that defines rich media

content and relationships. However, Bjarnestam discloses a user specified vocabulary that

defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have

been obvious to one skilled in the art at the time the invention was made to combine the

description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because

one would be motivated to have a description file structured such that the structures and

relationships might be modified without invalidating existing classifications as taught by

Bjarnestam at column 4, lines 47 – 52.

*"combining the multimedia content file and the text based description file as a composed
file using the authoring tools."*

Gibbon discloses the multimedia content file integrated with a text based description file

as a composed file (column 13, lines 53 – 62).

In regard to claim 2, incorporating the rejection of claim 1:

"...editing the rich media content description file by a user using a text editor."

It is well known in the art that a description file is inherently textual (e.g., XML or HTML), therefore it is editable by a using a text editor.

In regard to claim 3, incorporating the rejection of claim 1:

"using an XML program to create the description file."

Gibbon discloses using HTML to create a description file (column 13, line 53 to column 14, line 7). However, it is well known in the art that XML is designed to describe data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to integrate XML in the Gibbon invention to provide a more robust data description capability.

In regard to claim 7, incorporating the rejection of claim 1:

"...storing the composed file and the description file for access by one or more content creators."

Gibbon teaches storage of the content file (e.g., see Figure 9 storage unit).

In regard to claim 8, incorporating the rejection of claim 1:

"...downloading the composed file for display to a user in an application."

Gibbon teaches downloading the content file (e.g., see Figure 6).

In regard to claim 11:

"...a processor for receiving rich media;."

The system taught by Gibbon includes a processor to receive rich media, text, and graphics (e.g., Figure 9).

"*means for assembling rich media as a combined multimedia vehicle repository (MVR) file;*"

See, e.g., Figure 9.

"*means for automatically generating a rich media content description file comprising a user-specified vocabulary that defines the rich media and relationships between the rich media;*"

Gibbon discloses a description file (HTML) as input (column 13, line 53 to column 14, line 7), but does not explicitly describe a user specified vocabulary that defines rich media content and relationships. However, Bjarnestam discloses a user specified vocabulary that defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because one would be motivated to have a description file structured such that the structures and relationships might be modified without invalidating existing classifications as taught by Bjarnestam at column 4, lines 47 – 52.

"*means for combining the MVR file and the description file in accordance with the user-specified vocabulary to create an edited MVR file.*"

Gibbon discloses the integration of the rich media and descriptive files (column 13, line 53 to column 14, line 7; e.g., Figure 9), but does not explicitly describe a user specified vocabulary that defines rich media content and relationships. However, Bjarnestam discloses a user specified vocabulary that defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because one would be motivated to have a description file structured such that the

structures and relationships might be modified without invalidating existing classifications as

taught by Bjarnestam at column 4, lines 47 – 52.

In regard to claim 13, incorporating the rejection of claim 11:

"an XML program running in the processor for translating the descriptive text in the combining…"

Gibbon discloses using HTML for translating the descriptive text (column 13, line 53 to

column 14, line 7). However, it is well known in the art that XML is designed to describe data.

Therefore, it would have been obvious to one skilled in the art at the time the invention was

made to integrate XML in the Gibbon invention to provide a more robust data description

capability.

In regard to claims 18, 19, 24, and 25:

Claims 18, 19, 24, and 25 (program code medium) are rejected for the same reasons put

forth in the rejection of corresponding claims 1, 2, 7, and 8 (the corresponding methods).

In regard to claim 20, incorporating the rejection of claim 18 above:

Claim 20 (program code medium) is rejected for the same reasons put forth in the

rejection of claim 3 (the corresponding method).

In regard to claim 28:

"generating a content file from rich media;"

Gibbon discloses rich media file input to an authoring tool (e.g., Figure 9).

"creating a text file descriptive of at least a portion of the rich media content file, wherein the text file comprises a user-specified vocabulary that defines the rich media and relationships between the rich media;"

Gibbon discloses a text file with a description file (HTML) as input (e.g., Figure 9), but does not explicitly describe a user specified vocabulary that defines rich media content and relationships. However, Bjarnestam discloses a user specified vocabulary that defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because one would be motivated to have a description file structured such that the structures and relationships might be modified without invalidating existing classifications as taught by Bjarnestam at column 4, lines 47 – 52.

> *"combining the content file and the text file in accordance with the user-specified vocabulary to create a composed file as an application executable on a media player."*

Gibbon discloses the multimedia content file integrated with a text based description file (HTML) as a composed file (column 13, line 53 to column 14, line 7), but does not explicitly describe a user specified vocabulary that defines rich media content and relationships. However, Bjarnestam discloses a user specified vocabulary that defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because one would be motivated to have a description file structured such that the structures and relationships might be modified without invalidating existing classifications as taught by Bjarnestam at column 4, lines 47 – 52.

7.   Claims 4, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gibbon, U.S. Patent 6,473,778, in view of Bjarnestam et al., U.S. Patent 6,735,583, and further .

in view of Martens, U.S. Patent 4,570,221.

In regard to claim 4, incorporating the rejection of claim 1 above:

"...executing a batch processing program to combine the description file and the

multimedia content file."

Gibbon teaches the combining of a descriptive file and a rich media content file, but

neither Gibbon nor Bjarnestam teaches executing a batch processing. However, Martens teaches

the combining of files executing a batch process (column 1, lines 25 – 28). Therefore, it would

have been obvious to one skilled in the art at the time the invention was made to combine two

files, for example a descriptive file and a rich media content file as taught by Gibbon, and

incorporate the teaching of Martens, because performing the combining with a batch process

frees the user from the execution details and also enables the process to run off-line as taught by

Martens (column 1, lines 25 – 28).

In regard to claim 12, incorporating the rejection of claim 11 above:

"a batch processing program running on the processor for combining... "

Gibbon teaches the combining of a descriptive file and a rich media content file, but

neither Gibbon nor Bjarnestam teaches executing a batch processing. However, Martens teaches

the combining of files executing a batch process (column 1, lines 25 – 28). Therefore, it would

have been obvious to one skilled in the art at the time the invention was made to combine two

files, for example a descriptive file and a rich media content file as taught by Gibbon, and

incorporate the teaching of Martens because performing the combining with a batch process

frees the user from the execution details and also enables the process to run off-line as taught by

Martens (column 1, lines 25 – 28).

In regard to claim 21, incorporating the rejection of claim 18 above:

Claim 21 (program code medium) is rejected for the same reasons put forth in the

rejection of claim 4 (the corresponding method).

8.   Claim 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon,

U.S. Patent 6,473,778, in view of Bjarnestam et al., U.S. Patent 6,735,583, and further in view of

Murphy, U.S. Patent 6,564,380.

In regard to claim 5, incorporating the rejection of claim 1 above:

"...transmitting the rich media content as a streaming digital file."

Gibbon teaches collecting rich media content and combining with a descriptive file, but

neither Gibbon nor Bjarnestam teaches transmitting the rich media content as a streaming digital

file. However, Murphy teaches the transmission of a stored digital file containing rich media

content (video/audio feed; column 6, lines 25 - 39). A stored video transmission is the result of a

streaming digital file. Therefore, it would have been obvious to one skilled in the art at the time

the invention was made to modify the teaching of Gibbon, which combines a descriptive file and

a rich media content, with the teaching of Murphy, which transmits the rich media content as a

streaming digital file, because this modification allows the rich media content of Gibbon to be

fed as a remote capture (rather than a live feed), thereby allowing a continuous feed of a saved

input in desired file formats as taught by Murphy (column 6, lines 30 – 35).

In regard to claim 22, incorporating the rejection of claim 18 above:

Claim 22 (program code medium) is rejected for the same reasons put forth in the

rejection of claim 5 (the corresponding method).

9.   Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon,

U.S. Patent 6,473,778, in view of Bjarnestam et al., U.S. Patent 6,735,583, and further in view of

Mills, U.S. Patent 6,397,219.

In regard to claim 6, incorporating the rejection of claim 1 above:

"...using a graphical authoring tool to edit the rich media content;"

Gibbon teaches collecting rich media content and combining with a descriptive file with

an authoring tool, but neither Gibbon nor Bjarnestam teaches a graphical authoring tool.

However, Mills discloses a graphical authoring tool (column 15, line 60 to column 16, line 16).

Therefore, it would have been obvious to one skilled in the art at the time the invention was

made to modify the authoring tool as taught by Gibbon, which combines a descriptive file and a

rich media content, with the graphical authoring feature as disclosed by Mills, because this

modification provides a means for the authoring tool of Gibbon easily access and efficiently edit

Web pages, as taught by Mills (column 15, lines 60- 67).

"creating a description file of the graphically edited rich media content."

Gibbon discloses a description file (HTML) as input (column 13, line 53 to column 14,

line 7).

In regard to claim 23, incorporating the rejection of claim 18 above:

Claim 23 (program code medium) is rejected for the same reasons put forth in the rejection of claim 6 (the corresponding method).

12. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, U.S. Patent 6,473,778 in view of Bjarnestam et al., U.S. Patent 6,735,583, in view of Murphy, U.S. Patent 6,564,380 as applied to claims 5 and 22 above, and further in view of Ohsuga et al., U.S. Patent 6,317,151 (hereinafter referred to as Ohsuga).

In regard to claim 9, incorporating the rejection of claim 5:

"...generating the streaming digital file as a sequence of frames."

Gibbon combined with Bjarnestam teaches collecting rich media content and combining with a descriptive file having a user-defined vocabulary defining content and relationships, modified by Murphy teaching the transmission of a streaming digital file containing rich media content (video/audio feed). Although Murphy references the digital stream as a series of packets, neither reference teaches that the generation of the streaming digital file specifically as a sequence of frames. However, Oshuga teaches streaming video to a digital file as a sequence of frames (column 1, lines 36 – 43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Gibbon and Murphy to obtain a means to merge a descriptive file with a rich media content, and incorporating the generation of the rich media content as a streaming digital file in a sequence of frames as taught by Oshuga, because the digital frame allows the user to capture natural images and then edit them a

reproducible digital format (see Oshuga, column 1, lines 36 – 42) that could be used as rich

media content as taught by Gibbon.

In regard to claim 26, incorporating the rejection of claim 22:

Claim 26 (program code medium) is rejected for the same reasons put forth in the

rejection of claim 9 (the corresponding method).

10.   Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon,

U.S. Patent 6,473,778 in view of Bjarnestam et al., U.S. Patent 6,735,583, in view of Murphy,

U.S. Patent 6,564,380 as applied to claims 5 and 22 above, and further in view of Beckett et al.,

U.S. Patent 6,317,151 (hereinafter referred to as Beckett).

In regard to claim 10, incorporating the rejection of claim 5:

"generating the streaming digital file as a binary file ... "

Gibbon combined with Bjarnestam teaches collecting rich media content and combining

with a descriptive file having a user-defined vocabulary defining content and relationships,

modified by Murphy teaching the transmission of a streaming digital file containing rich media

content (video/audio feed). Although Murphy references the digital stream as a series of packets,

neither reference teaches that the generation of the streaming digital file as a binary file.

However, Beckett teaches streaming digital files as a binary file (column 12, lines 35 – 38).

Therefore, it would have been obvious to one skilled in the art at the time the invention was

made to combine the teachings of Gibbon and Murphy to obtain a means to merge a descriptive

file with a rich media content, incorporating the teaching of the generation of the rich media

content as a binary file as taught by Beckett, because a binary file allows implementation in

loadable execution format thus minimizing the programming skills needed by the user, as taught

by Beckett (column 12, lines 38 – 53).

In regard to claim 27, incorporating the rejection of claim 22:

Claim 27 (program code medium) is rejected for the same reasons put forth in the

rejection of claim 10 (the corresponding method).

11.   Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon,

U.S. Patent 6,473,778 in view of Beckett et al., U.S. Patent 6,317,151 (hereinafter referred to as

Beckett), and further in view of Bjarnestam et al., U.S. Patent 6,735,583.

In regard to claim 14:

"...means for receiving and storing rich media assets in a binary format..."

Gibbon teaches collecting rich media content and combining with a descriptive file

(column 4, lines 53 – 67), but does not explicitly teach receiving assets in a binary format.

However, Beckett teaches a means to store streaming digital files as a binary file in order to load

applications as an executable file (column 12, lines 35 – 38). Therefore, it would have been

obvious to one skilled in the art at the time the invention was made to combine the teachings of

Gibbon regarding the collection of rich media content, incorporating the teaching of Beckett

regarding the receiving and storage of rich media content as a binary file, because a binary file

allows implementation in loadable execution format thus minimizing the programming skills

needed by the user, as taught by Beckett (column 12, lines 38 – 53).

> *"means for preparing a textual description of the MVR file comprising a user-specified vocabulary that defines the rich media assets and relationships between the rich media assets;"*

Gibbon prepares a textual description (column 3, lines 18 – 28), but neither Gibbon nor Beckett explicitly describes a user specified vocabulary that defines rich media content and relationships. However, Bjarnestam discloses a user specified vocabulary that defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because one would be motivated to have a description file structured such that the structures and relationships might be modified without invalidating existing classifications as taught by Bjarnestam at column 4, lines 47 – 52.

> *"means for combining the MVR file and MVR textual description in accordance with the user-specified vocabulary to create an edited MVR file executable on a multimedia player as an application."*

Gibbon discloses the authoring tool the combining of the rich media and descriptive files (e.g., Figure 9), but neither Gibbon nor Beckett explicitly describes a user specified vocabulary that defines rich media content and relationships. However, Bjarnestam discloses a user specified vocabulary that defines rich media content and relationships (column 4, lines 9 – 46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the description file taught by Gibbon with the structured vocabulary taught by Bjarnestam because one would be motivated to have a description file structured such that the structures and relationships might be modified without invalidating existing classifications as taught by Bjarnestam at column 4, lines 47 – 52.

In regard to claim 15, incorporating the rejection of claim 14:

"...wherein the text description is XML based."

Gibbon integrates HTML to view text (column 13, line 53 to column 14, line 7).

However, it is well known in the art that XML is designed to describe data. Therefore, it would

have been obvious to one skilled in the art at the time the invention was made to integrate XML

in the Gibbon invention to provide a more robust data description capability.

In regard to claim 16, incorporating the rejection of claim 14:

"means for modifying the text description..."

Official notice is taken that a description file is inherently textual (e.g., XML or HTML),

therefore editable by a using a text editor.

In regard to claim 17, incorporating the rejection of claim 14:

"means for modifying the textual description using a standard text-editing tool."

Official notice is taken that a description file is inherently textual (e.g., XML or HTML),

therefore editable by a using a text editor.

Response to Arguments

12.   Applicant's arguments with respect to claims 1 – 28 have been fully considered but are

moot in view of the new ground(s) of rejection.

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (571) 272-3734. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2193

June 21, 2005

ANIL KHATRI
PRIMARY EXAMINER